IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 27753 of 2007(D)

PETITIONER:

K.SUDHAKARAN, M.L.A., "LAL VIHAR", KIZHUNNA P.O.,
KANNUR DISTRICT.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM.

3. THE INSPECTOR GENERAL OF POLICE, NORTHERN RANGE, KOZHIKODE.

4. THE SUPERINTENDENT OF POLICE, KANNUR.

5. THE DISTRICT COLLECTOR, KANNUR.

6. THE RETURNING OFFICER(ASST. REGISTRAR OF CO-OPERATIVE SOCIETIES (PLANNING), OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KANNUR, KERALA STATE CO-OPERATIVE HOSPITAL COMPLEX AND CENTER FOR ADVANCED MEDICAL SERVICES LTD. NO.4386, KANNUR.

7. KERALA STATE CO-OPERATIVE HOSPITAL COMPLEX AND CENTER FOR ADVANCED MEDICAL SERVICES LTD. NO.4386, KANNUR, REPRESENTED BY THE CONVENER, ADMINISTRATIVE COMMITTEE, PARIYARAM P.O., KANNUR.

8. THE DISTRICT COMMITTEE, COMMUNIST PARTY OF INDIA(MARXIST), DISTRICT COMMITTEE OFFICE, KANNUR, REPRESENTED BY THE SECRETARY SRI. P.SASI.

BY SR. GOVERNMENT PLEADER SHRI K.K. RAVINDRANATH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/09/2007, ALONG WITH W.P.(C) Nos.27766 AND 27845 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	:	TRUE COPY OF THE PAPER REPORT IN MATHRUBHUMI DAILY DATED 03.09.2007.
EXT.P2	:	TRUE COPY OF THE REQUEST DATED 15.09.2007 GIVEN TO THE 1ST RESPONDENT.
EXT.P3	:	TRUE COPY OF THE COMPLAINT DATED 17.09.2007 GIVEN TO THE 5TH RESPONDENT.
EXT.P4	:	TRUE COPY OF THE LETTER DATED 18.09.2007 GIVEN BY THE MANAGING DIRECTOR OF THE SOCIETY TO THE PETITIONER.
EXT.P5	:	ENGLISH TRANSLATION OF EXT. P4 .

RESPONDENTS' EXHIBITS:

EXT. R1(a)	:	A TRUE COPY OF THE REQUEST MADE BY THE RETURNING OFFICER TO THE 4TH RESPONDENT, SUPERINTENDENT OF POLICE, KANNUR.
EXT.R1(b)	:	A TRUE COPY OF THE LETTER NO. A6-41259/07 DATED 18.09.2007.
EXT.R1(c)	:	A TRUE COPY OF THE BANDOBUST SCHEME PREPARED BY THE 4TH RESPONDENT, SUPERINTENDENT OF POLICE, KANNUR.

/TRUE COPY/

P.S. TO JUDGE.

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C) Nos.27753, 27766 &

27845 OF 2007

Dated this the 20th September, 2007

JUDGMENT

H.L.DATTU, C.J.

In all these Writ Petitions the relief sought for by the petitioners is to direct the respondents to provide sufficient police protection for the conduct of Election to the Kerala State Co-operative Hospital Complex and Centre for Advanced Medical Services Ltd., Pariyaram, Kannur ('the Society' for short).

2. When the matter was posted before us for admission, we had directed the learned Government Pleader to file an affidavit before this Court and to inform us the precautionary measures taken by the police authorities for conducting free and fair election to elect the Managing Committee and other members of the Society.

3. The Inspector General of Police, Northern Range, Kerala State has filed an affidavit before this Court. In paragraphs 2, 3, 4, 5 and 6 of the counter affidavit, it is stated as under:

> "2. The petitioner has filed the above writ petition praying mainly for the issue of a writ of Mandamus directing the 1st respondent to deploy the Central Force for the orderly conduct of the election to the Managing Committee of the 7th respondent Society and to ensure effective protection for the members of the society to cast their votes in the election which is scheduled to be held on 23.09.2007, in Government

Town Higher Secondary School, Kannur without voters being interrupted or prevented by others and persons who are not members of the society. Further prayers for the issue of directions to respondents 2 to 5 to ensure that outsiders who are not members of the Society are not allowed entry to the polling booth at the polling station and to ensure maintenance of law and order and also for direction to the Returning Officer to take steps for digital photography of the voters and to ensure that members who are issued with identity cards by the Society alone are allowed to cast the votes in the voting, have also been made in the writ petition. There are other incidental prayers also made by the petitioner.

3. It is submitted that on 17.09.2007, the 6th respondent, the Returning Officer appointed for the conduct of the election to the 7th respondent Society has preferred a petition to the Superintendent of Police, Kannur requesting him to provide police protection and to maintain law and order situation at the polling station and its premises. A true copy of the said request made by the Returning Officer to the 4th respondent, Superintendent of Police, Kannur is produced herewith and marked as Ext.R1(a). So also the 5th respondent, the District Collector, Kannur by her letter dated 18.9.2007 has required of the Superintendent of Police to make all necessary arrangements to enable the voters at the election to be held on 23.09.2007 for the Managing Committee of the 7th respondent Society to participate in the polling process. All precautionary and security measures (including bandobust plans) were also required to be taken so as to prevent any untoward incident. A true copy of the said letter No.A6-41259/07 dated 18.09.2007 from the District Collector to the Superintendent of Police, Kannur is herewith produced and marked as Ext.R1(b).

4. It is submitted that the police has taken effective steps to provide protection for conducting a free, fair and secure election. The contest in the election is to the Board of Directors of the 7th respondent-Society. The number of total voters in the election are 1014 and the election is being held in centrally located venue which is the Government Town Higher Secondary School, Kannur. There is no

shortage of Police for affording protection to conduct the elections. The Superintendent of Police, Kannur has made an adequate and strong Bandobust arrangements by deploying huge manpower from within and outside the Kannur District.

5. In fact, a massive strength of 538 police personnel are deployed to conduct the election smoothly which includes 4 Dy.SPs, 11 CIs, 56 SI/ASIs, 442 HC/PCs and 25 WPCs. There is no shortage of manpower. Hence there is no justification for deployment of Central Forces in this particular election which is purely a local affair, as required by the petitioner. A copy of the bandobust scheme prepared by the 4th respondent, Superintendent of Police, Kannur is herewith produced and marked as Ext.R1(c).

6. It is submitted that in addition to the above arrangements 15 flying patrols, 25 pickets and 10 foot patrols have been deployed in and around the polling station to create a secure environment for voters to exercise their franchise without fear. 3 well equipped striking forces to maintain law and order have been deployed to manage any law and order situation. Thus, it is submitted that the Kannur District Police Administration has made strong and adequate bandobust arrangements to conduct the election to the 7th respondent Society in a secure, free and fair environment."

4. We have carefully perused the averments made by the Inspector General of Police in the counter affidavit filed before this Court. We are satisfied that the Inspector General of Police has taken sufficient precautionary measures to see that the election to the Society is held in a fair and free manner and electors would be in a position to participate in the election. In that view of the matter, for the present, we need not have to issue any direction to the respondents. Accordingly, the Writ Petitions

are disposed of. We only make it clear that the Inspector General of Police, Northern Range, Kerala State will take all effective steps to see that the election to the Society is held in a free and fair manner.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

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